

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11055 of 2016

Arising Out of PS.Case No. -187 Year- 2015 Thana -ISLAMPUR District- NALANDA
(BIHARSHARIFF)

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1. Anshuman Chauhan Son of Balbhardara Chauhan Resident of Village-
Rupan Chak, PS Islampur District Nalanda..... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kumari Sujata Sinha

For the Opposite Party/s : Mr. Sanjay Kumar (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 27-04-2016 Heard learned counsel for the petitioner and learned APP
for the Sate.

The petitioner seeks bail in connection with Islampur
P.S. Case No. 187 of 2015 registered for the offence punishable
under Sections 302/34 of the Indian Penal Code.

Allegedly, the petitioner and other three FIR named
accused persons surrounded Janki Chauhan, the father of the
informant, the petitioner started assaulting him with fat and slap
on his mouth, nose and chest and when the father of the informant
tried to flee away, then other three co-accused started assaulting
him with feet, fat and slap and thereafter, the father of the
informant died.

Submission is of false implication and that the
prosecution version as alleged appears not true, there was dispute



between both the parties for drain, the petitioner is own gotiya of the informant, the deceased was an old man aged about 87-90 years and when he had gone to attend natural call he fell down and received head injuries. The medical evidence does not support the prosecution version as cause of death has been found hemorrhage and shock due to the injuries produced by hard blunt substances and there is no allegation that the petitioner was having any weapon and as such the petitioner who is suffering in custody since 21.06.2015 deserves sympathetic consideration as chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence to which learned APP opposes by submitting that the petitioner is named in the first information report and at first he assaulted the deceased.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri P. K. Shukla, J. M. Ist Class, Hilsa, Nalanda in connection with Islampur P.S. Case No. 187 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each

and every date during trial and the default on two consecutive
dates on his part without any reason shall disentitle the petitioner
from privilege of bail.

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(Jitendra Mohan Sharma, J)